



A.No. 2820 of 2025
in
C.S.No. 55 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-09-2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

A.No. 2820 of 2025

in

C.S.No. 55 of 2024

S.Kumaraguru

...Applicant

Versus

P.Arun

...Respondent

Prayer: Application is filed to receive the pen drive and transcribed version as additional document on the side of the plaintiff in C.S.No. 55 of 2024.

For Applicant : Mr.K.Venkateswaran

For Respondent : Mr.S.Sai Shankar

ORDER

This application has been filed by the applicant seeking to receive the pen drive and transcribed version as additional document on the side of the plaintiff in the main Suit.



A.No. 2820 of 2025
in
C.S.No. 55 of 2024

WEB COPY 2. According to the applicant, he is the plaintiff in the main suit, which was filed by him for recovery of money and the suit is posted for trial. At this stage, the applicant/plaintiff wants to produce some document viz., Audio file stored in the pen drive along with its transcription from the mobile instrument, in which the said conversation was recorded, which is not in use for some time as he changed the new mobile phone. Due to the non usage of the said mobile phone, he was unable to access the said mobile phone and to retrieve the information and details in the said mobile phone. Thereafter, with great difficulty, he recovered the data from the said mobile phone during the 3rd week of March, 2020. Therefore, the applicant/plaintiff has now filed this application.

3. The learned Counsel appearing for the respondent has strongly opposed to allow the application. The learned Counsel submits that there are no pleadings in the plaint in respect of the aforesaid pen drive and transcribed version and the alleged non usage of mobile phone and the applicant/plaintiff has not filed any documents at the time of filing the main suit. Therefore, he strongly opposed to receive the pen drive and



A.No. 2820 of 2025
in
C.S.No. 55 of 2024

transcribed version as additional document on the side of the plaintiff.

4. Heard both sides and perused the records.

5. Considering the rival submissions made by the parties and considering the fact that the suit is posted for trial and the documents sought to be received is the pen drive recorded the conversation with the parties recorded in the mobile phone, and according to the applicant/plaintiff, due to non usage of that mobile phone, he was unable to file the document subject to admissibility, relevancy and proof the document can be received. Now, this Court has to consider whether the reason stated in the affidavit is reasonable or not.

6. According to the applicant/plaintiff, due to change of mobile phone there is a delay. Therefore, the said reason is acceptable one. The respondent is at liberty to make objections at the time of marking of those document, which can be decided subject to admissibility, relevancy and proof.



WEB COPY



A.No. 2820 of 2025
in
C.S.No. 55 of 2024

7. With the aforesaid reasons, this petition is allowed. No costs.

08-09-2025

MSM



WEB COPY



A.No. 2820 of 2025
in
C.S.No. 55 of 2024

P. DHANABAL, J.,

MSM

A.No. 2820 of 2025
in
C.S.No. 55 of 2024

08.09.2025